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EXAMINER
BROWN, MICHAEL J

ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>20 June 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 39 is objected to because of the following informalities: Claim 39 appears

to be dependent upon claim 26 though applicant indicates dependency upon claim 21.

Examiner assumes claim dependency upon claim 26 for sake of examination.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by

Harding(US Patent 5,794,052).

As to claim 1, Harding discloses a method for controlling a startup

sequence(software installation and setup, see column 4, line 11) in a computer

system(computer system 300, see Fig. 2) comprising the steps of automatically

monitoring at least one aspect of a plurality of startup applications(software programs,

see column 4, lines 19-20) launched during the startup sequence(see column 4, lines

35-44) and automatically analyzing the at least one aspect(individual modules of each

software program, see column 4, lines 31-33) of the plurality of startup applications

based on at least one criteria(changes, see column 4, line 51), the at least one criteria

indicating whether a portion of the plurality of startup applications is extraneous at startup(see Fig. 3, step 590 and column 14, lines 29-31). Harding also discloses the method of controlling a startup sequence comprising automatically removing from the startup sequence at least one of the portion of the plurality of startup applications that are extraneous(see Fig. 3, step 590 and column 14, lines 29-33).

As to claim 2, Harding discloses the method wherein the analyzing step further includes the step of analyzing at least one characteristic of the plurality of startup applications, the portion of the plurality of startup applications exhibiting the at least one undesirable characteristic(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 3, Harding discloses the method wherein the at least one undesirable characteristic includes a particular termination method(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 4, Harding discloses the method wherein the at least one undesirable characteristic includes a time of termination less than a particular threshold(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 5, Harding discloses the method wherein the at least one undesirable characteristic includes a crash rate greater than a particular threshold(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 6, Harding discloses the method wherein each of the portion of the plurality loads an icon and wherein the at least one undesirable characteristic is use of the icon being below a particular threshold(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 7, Harding discloses the method wherein the analyzing step further includes the step of analyzing at least one behavior of the plurality of startup applications, the portion of the plurality of startup applications exhibiting at least one aberrant behavior(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 8, Harding discloses the method wherein the analyzing step further includes the step of determining whether hardware utilized by each of the plurality of startup applications is available on the computer system, the portion of the plurality of utilizing unavailable hardware(see column 5, lines 3-5).

As to claim 9, Harding discloses the method wherein the automatically removing step further includes the step of providing a notification that the portion of the plurality of startup applications is extraneous(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 10, Harding discloses the method wherein the automatically removing step further includes the steps of allowing a user to indicate whether the at least one of the portion of the plurality of startup applications is desired to be removed(see column 8, lines 4-6), and automatically removing at least one of the portion of the plurality of startup applications from the startup sequence only if the user indicates that the at least one of the portion of the plurality of startup applications is desired to be removed(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 11, Harding discloses the method wherein the automatically removing step further includes the step of blacklisting the at least one of the portion of the plurality of startup applications so that the at least one of the portion of the plurality of startup

applications is not reentered to the startup sequence without the user's explicit approval(see column 8, lines 11-14).

As to claim 12, Harding discloses the method wherein the automatically removing step further includes the steps of allowing a user to select between automatically removing the at least one of the portion of plurality of applications from the startup sequence and uninstalling the at least one of the portion of plurality of applications(see Fig. 3, step 590; column 14, lines 29-33; and column 8, lines 11-14).

As to claim 13, Harding discloses a computer-readable medium containing a program for controlling a startup sequence(software installation and setup, see column 4, line 11) in a computer system(computer system 300, see Fig. 2), the program including instructions for automatically monitoring at least one aspect of a plurality of startup applications(software programs, see column 4, lines 19-20) launched during the startup sequence(see column 4, lines 35-44), and automatically analyzing the at least one aspect(individual modules of each software program, see column 4, lines 31-33) of the plurality of startup applications based on at least one criteria(changes, see column 4, line 51), the at least one criteria indicating whether a portion of the plurality of startup applications is extraneous at startup(see Fig. 3, step 590 and column 14, lines 29-31). Harding also discloses the computer-readable medium containing a program for controlling a startup sequence automatically removing from the startup sequence at least one of the portion of the plurality of startup applications that is extraneous(see Fig. 3, step 590 and column 14, lines 29-33).

As to claim 14, Harding discloses the computer-readable medium wherein the

analyzing instructions further includes instructions for analyzing at least one

characteristic of the plurality of startup applications, the portion of the plurality of startup

applications exhibiting the at least one undesirable characteristic(see Fig. 3, step 590

and column 14, lines 29-31).

As to claim 15, Harding discloses the computer-readable medium wherein the at

least one undesirable characteristic includes a particular termination method(see

column 4, lines 51-52 and column 14, lines 27-30).

As to claim 16, Harding discloses the computer-readable medium wherein the at

least one undesirable characteristic includes a time of termination less than a particular

threshold(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 17, Harding discloses the computer-readable medium wherein the at

least one undesirable characteristic includes a crash rate greater than a particular

threshold(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 18, Harding discloses the computer-readable medium wherein each

of the portion of the plurality loads an icon and wherein the at least one undesirable

characteristic is use of the icon being below a particular threshold(see column 4, lines

51-52 and column 14, lines 27-30).

As to claim 19, Harding discloses the computer-readable medium wherein the

analyzing instructions further includes instructions for analyzing at least one behavior of

the plurality of startup applications, the portion of the plurality of startup applications

exhibiting at least one aberrant behavior(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 20, Harding discloses the computer-readable medium wherein the analyzing step further includes the step of determining whether hardware utilized by each of the plurality of startup applications is available on the computer system, the portion of the plurality of utilizing unavailable hardware(see column 5, lines 3-5).

As to claim 21, Harding discloses the computer-readable medium wherein the automatically removing instructions further includes instructions for providing a notification that the portion of the plurality of startup applications is extraneous(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 22, Harding discloses the computer-readable medium wherein the automatically removing step instructions includes instructions for allowing a user to indicate whether the at least one of the portion of the plurality of startup applications is desired to be removed(see column 8, lines 4-6), and automatically removing at least one of the portion of the plurality of startup applications from the startup sequence only if the user indicates that the at least one of the portion of the plurality of startup applications is desired to be removed(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 23, Harding discloses the computer-readable medium wherein the automatically removing instructions further includes instructions for blacklisting the at least one of the portion of the plurality of startup applications so that the at least one of the portion of the plurality of startup applications is not reentered to the startup sequence without the user's approval(see column 8, lines 11-14).

As to claim 24, Harding discloses the computer-readable medium wherein the automatically removing instructions further includes instructions for allowing a user to select between automatically removing the at least one of the portion of plurality of applications from the startup sequence and uninstalling the at least one of the portion of plurality of applications(see Fig. 3, step 590; column 14, lines 29-33; and column 8, lines 11-14).

As to claim 25, Harding discloses a computer system(computer system 300, see Fig. 2) comprising a plurality of startup applications(software programs, see column 4, lines 19-20) launched during startup, and a startup application elimination module for automatically monitoring at least one aspect(individual modules of each software program, see column 4, lines 31-33) of the plurality of startup applications launched during the startup sequence(software installation and setup, see column 4, line 11), the startup application elimination module also for automatically analyzing the at least one aspect of the plurality of startup applications to based on at least one criteria(changes, see column 4, line 51), the at least one criteria indicating whether a portion of the plurality of startup applications is extraneous at startup(see Fig. 3, step 590 and column 14, lines 29-31), the startup application elimination module also for automatically removing from the startup sequence at least one of the portion of the plurality of startup applications that is extraneous(see Fig. 3, step 590 and column 14, lines 29-33).

As to claim 26, Harding discloses the computer system wherein the startup application elimination module further analyzes at least one characteristic of the plurality

of startup applications, the portion of the plurality of startup applications exhibiting the at

least one undesirable characteristic(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 27, Harding discloses the computer system of claim 26 wherein the at

least one undesirable characteristic includes a particular termination method(see

column 4, lines 51-52 and column 14, lines 27-30).

As to claim 28, Harding discloses the computer system wherein the at least one

undesirable characteristic includes a time of termination less than a particular

threshold(see column 4, lines 51-52 and column 14, lines 27-30).

As to claim 29, Harding discloses the computer system wherein the at least one

undesirable characteristic includes a crash rate greater than a particular threshold(see

column 4, lines 51-52 and column 14, lines 27-30).

As to claim 30, Harding discloses the computer system wherein each of the

portion of the plurality loads an icon and wherein the at least one undesirable

characteristic is use of the icon being below a particular threshold(see column 4, lines

51-52 and column 14, lines 27-30).

As to claim 31, Harding discloses the computer system wherein the startup

application elimination module further analyzes at least one behavior of the plurality of

startup applications, the portion of the plurality of startup applications exhibiting at least

one aberrant behavior(see Fig. 3, step 590 and column 14, lines 29-31).

As to claim 32, Harding discloses the computer system wherein the startup

application elimination module further determines whether hardware utilized by each of

the plurality of startup applications is available on the computer system, the portion of
the plurality of utilizing unavailable hardware(see column 5, lines 3-5).

As to claim 33, Harding discloses the computer system wherein the startup
application elimination module further provides a notification that the portion of the
plurality of startup applications is extraneous(see Fig. 3, step 590 and column 14, lines
29-31).

As to claim 34, Harding discloses the computer system wherein the computer
system further includes at least one input/output device that allows a user to indicate
whether the at least one of the portion of the plurality of startup applications is desired to
be removed(see column 8, lines 4-6), and wherein the startup application elimination
module further automatically removes at least one of the portion of the plurality of
startup applications from the startup sequence only if the user indicates that the at least
one of the portion of the plurality of startup applications is desired to be removed(see
Fig. 3, step 590 and column 14, lines 29-31).

As to claim 35, Harding discloses the computer system wherein the startup
application elimination module further blacklists the at least one of the portion of the
plurality of startup applications so that the at least one of the portion of the plurality of
startup applications is not reentered to the startup sequence without the user's
approval(see column 8, lines 11-14).

As to claim 36, Harding discloses the computer system wherein the startup
application elimination module further allows a user to select between automatically
removing the at least one of the portion of plurality of applications from the startup

sequence and uninstalling the at least one of the portion of plurality of applications(see

Fig. 3, step 590; column 14, lines 29-33; and column 8, lines 11-14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Harding(US Patent 5,794,052) in view of Batachia et al.(US PGPub 2002/0082912).

As to claim 37, Harding discloses the method as cited in claim 2 and explained

above. However, Harding fails to disclose the method wherein the at least one

undesirable characteristic includes accessing at least one particular internet address.

Batachia teaches a method wherein the at least one undesirable characteristic

includes accessing at least one particular internet address(see paragraph 0003, lines 6-

8). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the inventions of Harding and Batachia in order to identify undesirable internet addresses as they relate to startup applications. The motivation to do so would be able to take those undesirable internet address and eliminate them from the startup routine.

As to claim 38, Harding discloses the computer-readable medium as cited in claim 14 and explained above. However, Harding fails to disclose the computer-readable medium wherein the at least one undesirable characteristic includes accessing at least one particular internet address.

Batachia teaches a computer-readable medium wherein the at least one undesirable characteristic includes accessing at least one particular internet address(see paragraph 0003, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions of Harding and Batachia in order to identify undesirable internet addresses as they relate to startup applications. The motivation to do so would be able to take those undesirable internet address and eliminate them from the startup routine.

As to claim 39, Harding discloses the computer system as cited in claim 26 and explained above. However, Harding fails to disclose the computer system wherein the at least one undesirable characteristic includes accessing at least one particular internet address.

Batachia teaches a computer system wherein the at least one undesirable characteristic includes accessing at least one particular internet address(see paragraph 0003, lines 6-8). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the inventions of Harding and Batachia in order to identify undesirable internet addresses as they relate to startup applications. The motivation to do so would be able to take those undesirable internet address and eliminate them from the startup routine.

Response to Arguments

2.   Applicant's arguments filed 6/9/2006 have been fully considered but they are not persuasive. Applicant argues that Harding fails to teach "automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these startup applications with respect to certain criteria, and then automatically removing some portion of these startup applications." Applicant goes on to state that Harding describes a system which requires user input in order to remove applications. After further consideration, Examiner disagrees for Harding teaches that a batch file is ran by the software setup program thus meaning these steps are ran automatically(see column 7, lines 53-60) and not by user input. It is only prior to this point when user intervention is mentioned(see column 7, lines 60-65) and the user selects a program language.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-5932. The examiner can normally be reached on Monday-Thursday from 7:00am to 5:30pm(EST).

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIRS) system. Status information for the

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications are available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 886-217-9197 (toll-free).

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